

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil File No. 10-315 DSD/FLN

James E. Moore and Tim McGough, as
Trustees of the Carpenters & Joiners Welfare
Fund, Twin City Carpenters Pension Master
Trust Fund, and Twin City Carpenters Vacation
Fund; James E. Moore as Trustee of the
Carpenters and Joiners Apprenticeship and
Journeyman Training Trust Fund, and each of
their successors,

Plaintiffs,

v.

SECOND CONTEMPT ORDER

Retail Construction Solutions, LLC and
Thomas J. Randall, individually,

Defendants.

The above referenced matter came before the District Court on July 9, 2010, upon the Court's June 14, 2010, Order to Show Cause. (See Doc. No. 22.) Amanda R. Cefalu, Esq., appeared on behalf of Plaintiffs; Defendants did not appear. On July 12, 2010, the Court found Defendants in civil contempt of court, and ordered that a Bench Warrant for the arrest of Thomas J. Randall be issued. (Doc. No. 24.) The Court stayed the Bench Warrant, however, until July 16, 2010. (Id.) On July 16, 2010, David Van House, Esq., appeared on behalf of Defendants, and Amanda R. Cefalu, Esq., appeared on behalf of Plaintiffs. At that time, Defendants agreed to produce the outstanding documentation by August 6, 2010, and the parties agreed to continue the hearing until August 20, 2010. (See Doc. No. 27.) Plaintiffs have informed the Court that Defendants have not complied with the Court's orders and directives to date. This

Court finds that due to their failure to comply with the Court's Orders, Defendants are in civil contempt of Court.

Therefore, **IT IS HEREBY ORDERED:**

1. A Bench Warrant shall issue for the arrest of Thomas J. Randall to secure his appearance and compliance with this Order. The Bench Warrant shall be stayed, however, until August 20, 2010, as outlined below.

2. Defendants, and specifically, Thomas J. Randall or any other person operating Defendant Retail Construction Solutions, LLC, are ordered to appear before this Court on **Friday, August 20, 2010 at 9:00 a.m.**, in Courtroom 14W, United States Courthouse, 300 South Fourth Street, Minneapolis, MN to show cause, if any, why Thomas J. Randall as principal officer of Retail Construction Solutions, LLC should not be committed to confinement until compliance with the Court's Order dated April 30, 2010. **FAILURE TO APPEAR AT THIS HEARING SHALL RESULT IN A BENCH WARRANT BEING ISSUED BY THIS COURT AND THE ARREST AND DETENTION OF MR. THOMAS J. RANDALL.**

3. Defendants are ordered to produce to Plaintiffs counsel, Amanda R. Cefalu, Anderson Helgen Davis & Nissen, 150 S. Fifth Street, Suite 3100, Minneapolis, MN 55402 the following records as previously ordered on April 30, 2010:

- (i) fringe fund reports for the months of September 2009, October 2009, November 2009, December 2009, January 2010, February 2010;
- (ii) A complete set of business records for inspection and audit for the period of August 2009 through the present:
 - All payroll registers or journals;
 - All time cards;

- All Internal Revenue 941 quarterly reports;
- All Internal Revenue W-2 and W-3 forms;
- All payments to any individuals for labor or services, regardless of whether Defendants classifies such individual as an employee or as a subcontractor;
- All business checking account registers or journals;
- All checking account bank statements, including copies of all checks issued from the accounts;
- All Minnesota quarterly unemployment reporting forms (MUTAs) and quarterly tax forms
- All records identifying the type of work performed by each employee;
- Any such additional records as are deemed necessary to the performance of such audit by representatives of Plaintiffs;

4. Defendants shall produce the documents listed above to Plaintiffs on or before August 16, 2010, or such records shall be produced to the Court at the hearing. Failure to comply with this direction may result in Defendants being committed to confinement for contempt of Court.

5. If Defendants have questions concerning their rights, Defendants should immediately consult with an attorney. Defendants may also contact the Court regarding this Order.

Dated: August 11, 2010

s/ David S. Doty
The Honorable David S. Doty
United States District Court Judge